

0120 Rec'd PCT/PTO 11 MAR 2003

*FORM PTO-1390
(REV 11-2001)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371**

GZ 2018.00

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

09/646,478

INTERNATIONAL APPLICATION
NO.

PCT/US99/06947

INTERNATIONAL FILING DATE

30 March 1999

PRIORITY DATE CLAIMED

31 March 1998

TITLE OF INVENTION

METHODS FOR THE DIAGNOSIS AND TREATMENT OF LUNG CANCER

APPLICANT(S) FOR DO/EO/US

Jin JEN, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☐ The US has been elected by the expiration of 19 months from the priority date (PCT Article 31).
5. ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ have been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☐ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☐ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

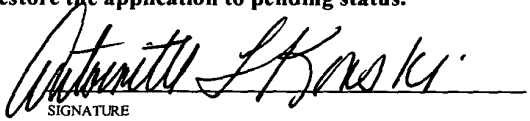
Items 11 to 20 below concern document(s) or information included:

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
14. ☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
15. ☐ A substitute specification.
16. ☐ A change of power of attorney and/or address letter.
17. ☒ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 35 U.S.C. 1.821 - 1.825.
18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. ☒ Other items or information: Response to Notification of Defective Response, Copy of Notification of Defective Response dtd 2/19/2003, Paper Copy of Sequence Listing and Return Receipt postcard.

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

I hereby certify that this paper or fee is being deposited with the United States Postal Service as Express Mail Label No.: EV 155 463 385 US under 37 C.F.R. § 1.10 on March 11, 2003 and is addressed to: Commissioner for Patents, Box PCT, Attn. RO/US, Washington, D.C. 20231.

[Signature]
Kum Ju Lim

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 09/646,478		INTERNATIONAL APPLICATION NO. PCT/US99/06947		ATTORNEY'S DOCKET NUMBER: GZ 2018.00	
21. <input type="checkbox"/> The following fees are submitted: BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)): Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO\$1,040.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO\$890.00 International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO\$740.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provision of PCT Article 33(1)-(4).....\$710.00 International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4).....\$100.00				CALCULATIONS PTO USE ONLY	
ENTER APPROPRIATE BASIC FEE AMOUNT =					
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	- 20 =		x \$18.00	\$	
Independent claims	- 3 =	0	x \$84.00	\$	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$280.00	\$	
TOTAL OF ABOVE CALCULATIONS =				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.				\$	
SUBTOTAL =				\$	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				+	\$
TOTAL NATIONAL FEE =				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	
				Amount to be refunded:	\$
				charged:	
a. <input type="checkbox"/> A check in the amount of \$ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. 50-2518 (our ref. _____) in the amount of \$ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 50-2518 (our ref. 19442-7030). d. <input type="checkbox"/> Fees are to be charged to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.					
NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Antoinette F. Konski Bingham McCutchen LLP Formerly McCutchen Doyle Brown & Enersen LLP Three Embarcadero Center, 18 th Floor San Francisco, California 94111-4067 Telephone: (650) 849-4950 Facsimile: (650) 849-4800					
 SIGNATURE				Antoinette F. Konski Registration No. 34,202	

Docket No. GZ 2018.00

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jin Jen et al.

Inter. Filing Date: March 30, 1999

U.S. Serial No.: 09/646,478

Inter. Appl. No.: PCT/US99/06947

Title: METHODS FOR THE DIAGNOSIS AND TREATMENT OF
LUNG CANCER

RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSECommissioner for Patents
U.S. Patent & Trademark Office
Box PCT
Washington, D.C. 20231

Dear Sir:

This Response is submitted in reply to the Notification of Defective Response issued by the International (PCT) division of the U.S. Patent and Trademark Office on February 19, 2003, in connection with the above-identified application. A response to this Notice is due one month from the date of issuance, i.e., on or before March 19, 2003. Accordingly, this Response is timely filed.

The February 19, 2003 Notice, copy attached, indicated that Applicants' response to the Notice to File Missing Parts was incomplete in that it did not contain the diskette and documents necessary to comply with 37 C.F.R. § 1.821-1.825. Enclosed herewith is a diskette having recorded thereon the information submitted on the paper copy, also enclosed herewith, which is identical to the paper copy filed with the International Application, application number PCT/US99/06947. The undersigned hereby states that the copy of the computer readable form, submitted in accordance with 37 C.F.R. § 1.825(b), is the same as the paper copy.

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 50-2518**, billing reference number **19442-7030**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Respectfully submitted,

Date: March 10, 2003

By: 

Antoinette F. Konski
Reg. No. 34,202

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
 United States Patent and Trademark Office
 Washington, D.C. 20231
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/646,478	Gary A Jin Jen	126881201800
INTERNATIONAL APPLICATION NO.		
PCT/US99/06947		
I.A. FILING DATE	PRIORITY DATE	
03/30/1999	03/31/1998	

Antoinette F Konski
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 3 Embarcadero Center
 Suite 1800
 San Francisco, CA 94111

CONFIRMATION NO. 1461

371 FORMALITIES LETTER



OC000000009523941

Date Mailed: 02/19/2003

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fee
- Priority Document
- Assignee Statement
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Request for Immediate Examination

Applicant's response filed 03/04/2002 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 10/13/2000 have not been completed.

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):
 - A copy of the "Sequence Listing" in computer readable form has not been submitted as required by

37 CFR 1.821(e).

- A statement that the contents of the paper or compact disc and the computer readable form are the same and, where applicable, include no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b) or 1.825(d).
- APPLICANT MUST PROVIDE:
 - An initial or substitute computer readable form (CRF) of the "Sequence Listing."
 - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.
- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:
 - For Rules Interpretation, call (703) 308-4216
 - To Purchase PatentIn Software, call (703) 306-2600
 - For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

Telephone: (703) 305-3688

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
09/646,478	PCT/US99/06947	126881201800